

the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

(R.S. § 5308.)

CODIFICATION

R.S. § 5308 derived from act Aug. 6, 1861, ch. 60, § 1, 12 Stat. 319.

**§ 213. Jurisdiction of confiscation proceedings**

Such prizes and capture shall be condemned in the district court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

(R.S. § 5309; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 253; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

CODIFICATION

R.S. § 5309 derived from act Aug. 6, 1861, ch. 60, § 2, 12 Stat. 319.

Act Mar. 3, 1911, conferred the powers and duties of the former circuit courts upon the district courts.

AMENDMENTS

1877—Act Feb. 27, 1877, inserted “may” after “any district in which the same”.

**§ 214. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section, R.S. § 5310, provided that property taken on inland waters of the United States was not a maritime prize. See section 7651 of Title 10, Armed Forces.

**§ 215. Institution of confiscation proceedings**

The Attorney General, or the United States attorney for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

(R.S. § 5311; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

R.S. § 5311 derived from act Aug. 6, 1861, ch. 60, § 3, 12 Stat. 319.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “attorney of the United States”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

**§ 216. Preventing transportation of goods to aid insurrection**

The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all

cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this chapter, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited.

(R.S. § 5312.)

CODIFICATION

R.S. § 5312 derived from act May 20, 1862, ch. 81, § 3, 12 Stat. 404.

**§ 217. Trading in captured or abandoned property**

All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this chapter, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than \$5,000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

(R.S. § 5313.)

CODIFICATION

R.S. § 5313 derived from act July 2, 1864, ch. 225, § 10, 13 Stat. 377.

**§ 218. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632**

Section, R.S. § 5314; act Mar. 2, 1929, ch. 510, § 1, 45 Stat. 1496, related to authority of President in collection of duties to change ports of entry in case of insurrection.

**§ 219. Removal of customhouse and detention of vessels thereat**

Whenever, at any port of entry, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, or by the course provided in section 218<sup>1</sup> of this title, by

<sup>1</sup> See References in Text note below.